

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

RONALD CURRY,

Petitioner,

VS.

WARDEN DAVID W. GRAY,

Respondent.

CASE NO. 1:19-cv-00594

OPINION AND ORDER
[Resolving Doc. [1](#) & 21]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Petitioner Ronald Curry was convicted in 2017 for a robbery, kidnapping, and rape that occurred in 1995 in East Cleveland.¹ Curry was first linked to the crime when the State determined that Curry's DNA matched a vaginal sample taken from one of the victims.²

After challenging his conviction in the Ohio courts on direct appeal and collateral review, Curry filed this *pro se* federal habeas corpus petition under 28 U.S.C. § 2254.³ The Court referred the matter to Magistrate Judge William H. Baughman, Jr.

On March 8, 2022, Magistrate Judge Baughman issued a Report and Recommendation (“R&R”) recommending dismissal and recommending denial of other parts of the petition.⁴ Objections to the report were due by March 22, 2022. Petitioner did not file objections.

¹ Curry's motion for a status conference is DENIED as moot. Doc. 21.

² Doc. 12-2 at 360.

³ Doc. 1.

⁴ Doc. 22.

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The Federal Magistrates Act requires a district court to review *de novo* only the objected-to portions of an R&R.⁵ Failure to timely object waives a party's right to contest the R&R.⁶ Where a party does not object to the R&R, the Court may adopt it without review.⁷

Here, Petitioner Curry has waived his right to contest the R&R by failing to file timely objections.⁸ Additionally, this Court has examined the petition and agrees with Judge Baughman's merits analysis. None of Curry's nine claims have merit: They are based in state law and non-cognizable on federal habeas review, are procedurally defaulted because Curry did not raise them in the state courts, and they fail the deferential AEDPA merits standard.

Accordingly, the Court **ADOPTS** Magistrate Judge Baughman's R&R, incorporates it as if fully restated herein, and **DENIES** Petitioner Curry's § 2254 habeas petition. The Court further **DECLINES** to issue a certificate of appealability as reasonable jurists would not debate the petition's lack of merit.

IT IS SO ORDERED.

Dated: March 25, 2022

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁵ 28 U.S.C. § 636(b)(1).

⁶ *Thomas v. Arn*, 474 U.S. 140, 154 (1985); *Gerth v. Warden, Allen Oakwood Corr. Inst.*, 938 F.3d 821, 827 (6th Cir. 2019).

⁷ *See Thomas*, 474 U.S. at 149–50.

⁸ *Id.*